

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Allowable Claim 25 has been rewritten in independent form. New Claims 35 and 36 are based on allowable Claims 27 and 28 but delete unnecessary limitations. In particular, original Claims 26 and 27, and original Claims 24 and 25 relate to different clamping devices, and so the features of original Claim 24 have not been included in new Claim 35. Similarly, the features of original Claims 26 and 24 have not been included in new independent Claim 36. These claims are nonetheless believed to be allowable over the prior art based upon their recitation of the features of the recited clamping means.

Claim 18 has been amended to further recite that the first guide is fixed to the frame and the supporting means are mobile along a rectilinear path. Basis for this is found in the paragraphs beginning at line 10 of page 4 and line 13 of page 13. That is, the “first guide,” i.e., guide rod 3, is described on page 4 as being supported by the fixing plate 2 to project “in a given direction 4.” Therefore, when the slide (supporting means) 5 is moved along the guide rod 3 during the pivoting of the crank 17, it does so along a rectilinear path (page 13, lines 13-20).

Briefly, as is now recited in Claim 18, in an adjustable set of pedals for a motor vehicle, an adjustment device selectively controls the position of a supporting means for the first and second pedals, and comprises a crank mechanism set between the supporting means and a frame, a first guide fixed to the frame and extending in a first direction to support the supporting means which are mobile along the first guide in a rectilinear path, and a control rod parallel to the first direction for actuating the braking device of the motor vehicle. For example, referring to the non-limiting embodiment of the figures, the adjustment device may comprise the crank mechanism 17 which is connected between the slide 5 that supports the pedals and the fixed guide 24. Therefore, upon pivoting of the crank 17, e.g., when the pad

23 moves vertically in the guide 24, the slide 5 is caused by the crank to move rectilinearly along the guide rod 3.

Claims 18, 19 and 30-34 were rejected under 35 U.S.C. §102 as being anticipated by U.S. patent 6,443,028 (Brock). However, it is respectfully submitted that the amended claims are not anticipated or rendered obvious by Brock, both because Brock fails to disclose the originally claimed feature of an adjustment device comprising a crank mechanism set between the supporting means and the frame, and also because Brock fails to teach the presently claimed feature that the first guide rod is fixed to the frame and the supporting means are mobile along a rectilinear path.

As to the first point, Brock discloses adjustable pedals which are mounted to a pivoting cradle 12, via the pivot arm 26 mounted to the cradle 12. The pivoting cradle 12 pivots relative to a fixed support bracket 100 at pivot pins 110. The cradle 12 is caused to pivot *solely* by rotation of the first ball screw 48:

As first ball screw 48 rotates, cradle nut 50...travels longitudinally along the first ball screw 48, causing cradle 12 to pivot about cradle pivot axis 110...as cradle 12 pivots about cradle pivot pins 110, brake arm pivot pin 26 describes an arc about cradle pivot axis 110. In traversing this arc, brake arm pin 26 moves the pivot point of the brake arm 36 and the upper end of the ETC mounting bracket 32. (Column 4, lines 38-50).

Thus, the adjustment device for controlling the position of the cradle (supporting means) 12 is limited to the first screw 48 engaging the cradle nut 50. The further, second screw 46 is not provided for controlling the position of the cradle (supporting means) 12, but only for keeping the brake arm 36 in a uniform relation to the vehicle operator as the cradle is pivoted. That is:

To keep brake arm 56 in a uniform relationship to the vehicle operator, second ball screw 46 is rotated in consonance with first ball screw 48 so as to displace brake nut 44 longitudinally along second ball screw 46 a complimentary distance with respect to the travel of brake arm pivot pin 26 to keep brake pedal 38 at a uniform attitude. (Column 4, lines 61-66).

Additionally, pivoting of the cradle (supporting means) 12 requires the position of a bracket 32 for the throttle controller ETC to be adjusted. To this end, the rear part 33 of the bracket ETC 32 has a guide pin 116 which rides in a slot 114 of the fixed bracket 100, whereby the “ETC bracket is kept at a constant attitude with respect to the vehicle operator” (column 5, lines 19-21) as the brake arm pivot pin 26 pivots during the pivoting of the cradle 12 by the adjustment device 48-50.

In view of the above, it may be appreciated that Brock fails to disclose the originally claimed “adjustment device for controlling selectively the position of the supporting means with respect to the frame of the motor vehicle,” comprising a crank mechanism and a control rod. In particular, the Office Action considered the claimed crank mechanism to be comprised by the rear part 33 of the bracket 32, the guide slot 114 and the pin 116 shown in Figures 7-8 of Brock. However, as is explained at lines 10-21 of column 5 in Brock, the pin 116 and slot 114 are provided only to maintain a constant attitude for the ETC bracket 32 when the cradle 12 is pivoted. They do not control the position of the cradle (supporting means) 12, and so are not part of “adjustment device for controlling selectively the position of the supporting means with respect to a frame of the motor vehicle.”

Similarly, the second ball screw (control rod) 46 of Brock is not part of the “adjustment device for controlling selectively the position of the supporting means with respect to the frame of the motor vehicle” but is instead simply used to reorient the brake pedal when the cradle (supporting means) 12 is pivoted by the rotation of the ball screw 48 (column 4, lines 61-66).

Finally, Claim 18 now further recites that the first guide is fixed to the frame and the supporting means are mobile along a rectilinear path.” This may be contrasted with Brock wherein the “first guide” ball screw 48 pivots with the cradle 12, whereby the cradle

(supporting means) does not move along a rectilinear path but instead pivots about the axis of the pins 110.

Due to these differences, Brock comprises a complex arrangement which necessitates separate control for the pedal position adjustment and brake attitude adjustment. That is, since the cradle 12 pivots about pins 110 causing both pedals 34 and 38 to describe an arc about these pins, Brock is not able to keep the same height and the same orientation of the pedals independent of the position of the cradle 12, and so must provide separate adjustment for, e.g., the brake pedal. On the contrary, the claimed invention moves the slide 5 along a rectilinear path, and so always keeps the same height and orientation of both pedals, independent of the position of the slide. The claimed invention is therefore believed to clearly define over this reference.

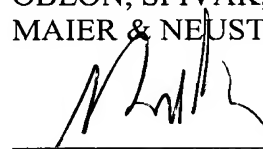
Applicant therefore believes that the present application is in a condition for allowance and respectfully solicits an early notice of allowability.

Respectfully submitted,

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Robert T. Pous
Registration No. 29,099
Attorney of Record

I:\ATTY\RTP\292784US-AM.DOC